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FACEBOOK, INC.

9
10 UNITED STATES DISTRICT COURT
11 NORTHERN DISTRICT OF CALIFORNIA
12 SAN FRANCISCO DIVISION

13 FACEBOOK, INC.,

14 Plaintiff,

15 v.

16 POWER VENTURES, INC. a Cayman Island
17 Corporation; STEVE VACHANI, an
individual; DOE 1, d/b/a POWER.COM,
18 DOES 2-25, inclusive,

19 Defendants.
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Case No. 5:08-cv-05780 JW

**DECLARATION OF MORVARID
METANAT IN SUPPORT OF
FACEBOOK, INC.'S MOTION FOR
PARTIAL SUMMARY JUDGMENT
UNDER CALIFORNIA PENAL CODE
§ 502 AND THE COMPUTER FRAUD
AND ABUSE ACT, 18 U.S.C. § 1030**

Date: January 9, 2012
Time: 9:00 a.m.
Judge: Hon. James Ware
Courtroom: 9, 19th Floor

1 I, Morvarid Metanat, hereby declare as follows:

2 I am an attorney with the law firm of Orrick, Herrington & Sutcliffe, LLP, counsel of
3 record to Facebook, Inc. in the above-captioned matter. I make this declaration based on my
4 personal knowledge, unless otherwise noted. If called, I can and will testify competently to the
5 matters set forth herein.

6 1. Attached hereto as **Exhibit 1** is a true and correct copy of a Power production
7 document, produced to Facebook via File Transfer Protocol on November 2, 2011. The
8 document is dated July 22, 2010 from Steve Vachani to Rob Pollock. [**DESIGNATED**
9 **HIGHLY CONFIDENTIAL**]

10 2. Attached hereto as **Exhibit 2** is a true and correct copy of relevant excerpts from
11 the July 20, 2011, deposition transcript of Defendant Steve Vachani. [**DESIGNATED HIGHLY**
12 **CONFIDENTIAL**]

13 3. Attached hereto as **Exhibit 3** is a true and correct copy of a Power production
14 document, produced to Facebook via File Transfer Protocol on November 2, 2011. The
15 document is dated November 29, 2008 from Bruno Carvahlo to Steve Vachani. The document
16 contains portions of text in Portuguese and is followed by a certified translation in English and a
17 signed notarized certification created by the company, TransPerfect Translations, Orrick retained
18 to perform the translation. [**DESIGNATED HIGHLY CONFIDENTIAL**]

19 4. Attached hereto as **Exhibit 4** is a true and correct copy of relevant excerpts from
20 Power Ventures, Inc.'s Responses to Facebook, Inc.'s First Set of Interrogatories, served
21 December 15, 2010.

22 5. Attached hereto as **Exhibit 5** is a true and correct copy of relevant excerpts from
23 Power Ventures, Inc.'s Responses to Facebook, Inc.'s First Set of Request for Admission, served
24 December 15, 2010.

25 6. Attached hereto as **Exhibit 6** is a true and correct copy of a Power production
26 document Bates numbered POWER 2011.02.03 000089 – POWER 2011.02.03 000090.
27 [**DESIGNATED HIGHLY CONFIDENTIAL**]
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7. Attached hereto as **Exhibit 7** is a true and correct copy of a Power production document, produced to Facebook via File Transfer Protocol on November 2, 2011. The document is dated December 18, 2008 from Eric Santos to Steve Vachani. The document contains portions of text in Portuguese and is followed by a certified translation in English and a signed notarized certification created by the company, TransPerfect Translations, Orrick retained to perform the translation. **[DESIGNATED HIGHLY CONFIDENTIAL]**

8. Attached hereto as **Exhibit 8** is a true and correct copy of the Declaration of Joseph Cutler In Support of Facebook, Inc.'s Motion for Partial Summary Judgment for Liability Under the CAN-SPAM Act and exhibits attached thereto previously lodged in this court on November 14, 2011 in support of Facebook's Motion for Partial Summary Judgment on Count 1 of the CAN-SPAM Act. **[CONTAINS CONFIDENTIAL INFORMATION]**

9. Attached hereto as **Exhibit 9** is a true and correct copy of the Declaration of Ryan McGeehan In Support of Facebook's Motion for Partial Summary Judgment on Count 1 Under the CAN-SPAM Act and exhibits attached thereto previously lodged in this court on November 14, 2011 in support of Facebook's Motion for Partial Summary Judgment on Count 1 of the CAN-SPAM Act. **[CONTAINS CONFIDENTIAL INFORMATION]**

10. Attached hereto as **Exhibit 10** is a true and correct copy of the Declaration of Lawrence Melling In Support of Facebook, Inc.'s Motion for Partial Summary Judgment on Counte 1 of the CAN-SPAM Act and exhibits attached thereto previously lodged in this court on November 14, 2011 in support of Facebook's Motion for Partial Summary Judgment on Count 1 of the CAN-SPAM Act. **[CONTAINS CONFIDENTIAL INFORMATION]**

I declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge. Executed this 17th day of November 2011 at Menlo Park California.

/s/ Morvarid Metanat /s/
Morvarid Metanat